

THE HONOURABLE SRI JUSTICE V. ESWARAI AH

WRIT PETITION No. 19246 OF 2007

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DATED: 08-10-2007

BETWEEN

N. Venkateswara Rao,
S/o. Venkata Rao,
Occ: Business,
R/o. Lingaparth y,
Eleswaram Mandal,
East Godavari District.

...PETITIONER

AND

The Revenue Divisional Officer,
Peddapuram, East Godavari
District and another.

...RESPONDENTS

ORDER:

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Petitioner submits that he purchased land in an extent of Ac.0.28 cents in Sy.No.470/2B; Ac.0.18 cents in Sy.No.470/2J; Ac.0.07 cents in Sy.No.470/2N; Ac.0.03 cents in Sy.No.470/2K and Ac.0.08 cents in Sy.No.470/2M to a total extent of Ac.0.64 cents situated at Lingamparth y Village, Eleswaram Mandal, East Godavari District from one N. Atcha Rao under registered sale deed date 09.06.1988 and his name was also entered in the revenue records. While so, the Tahsildar, Eleswaram Mandal issued a show cause notice in Form-II dated .04.2007 in Ref.(B)61/2007 stating that the petitioner is in illegal possession of the said land in contravention of sub-Section (2) of Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act').

2. It is stated that after issuing show cause notice, final orders have been passed on 10.07.2007 in Ref.B/61/07 on the ground that the petitioner has not filed any explanation and the original assignee - Gudivada Veerayya also failed to submit any explanation. Admittedly, the petitioner purchased the said land, which is not alienable, therefore, the said purchase is in contravention of sub-Section (1) and (2) of Section 3 of the Act and accordingly resumption orders have been passed in exercise of powers conferred under Section 4(1)(b) of the Act. Aggrieved by the said order, the petitioner filed an objection petition before the Revenue Divisional Officer, Peddapuram dated 28.08.2007.

3. I am of the opinion that the appeal has not been filed in the required format and no application for grant of stay has also been filed. It is not known as to whether the said objection petition is treated as an appeal or not.

4. Having regard to the facts and circumstances of the case, the petitioner is permitted to file a regular appeal against the said order of the Tahsildar within ten days from the date of receipt of a copy of this order along with stay application. If any such appeal along with stay application is received within the stipulated time, status quo obtaining as on today with regard to the possession of the said land shall be maintained.

The writ petition is accordingly disposed of. There shall be no order as to costs.

V. ESWARAI AH, J

October 8, 2007

Note: Furnish C.C. of the order by 09.10.2007.

(B/o)

DSK

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